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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,740	11/20/2000	Peter Worthington Hamilton	5922R2C3	8924

27752 7590 03/02/2004

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EXAMINER

CHANG, VICTOR S

ART UNIT PAPER NUMBER

1771

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/716,740

Applicant(s)

HAMILTON ET AL.

Examiner

Victor S Chang

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached NOTE.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

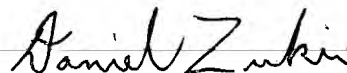
Claim(s) objected to: _____

Claim(s) rejected: 1-18, 38-55, 75, 80, 81, 86-102.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1800-
1700



NOTE

1. With respect to Applicants' position that "Figs. 7 and 8 illustrate a construction wherein the end portion of a paper-tie band is provided with a multiplicity of pin punctures ... The intended purpose of providing pin punctures is to provide outstanding burrs that serve as means for normally shielding the adhesive coating against accidental contact with other objects ... Thus, providing a substrate with a multiplicity of pin punctures does not disclose, teach or suggest Applicants' storage wrap material comprising a sheet of non-porous material." (Remarks, page 4, last two paragraphs), the Examiner repeats (see Interview Summary, Paper No. 012304) that while the Figs. 7 and 8 shows one of the embodiments of Wilbur's invention, Figs. 1 and 2 clearly shows a non-punctured non-porous embodiment, in which the substrate is not punctured, and structurally reads on instantly claimed invention, Applicants' selective argument directed to embodiments which are not relied upon notwithstanding.

2. With respect to Applicants' argument that "there is no suggestion in the Wilbur reference to provide a storage wrap material having a gauge in the range from about 0.0001 inches to about 0.002 inches" (Remarks, page 9, third paragraph), the Examiner repeats (see Paper No. 14, page 5) that Applicants have admitted that it is known art that sheet materials with clinging character (i.e., cling film) can be used to form a closure for a container (Specification, page 1, lines 18-26). As such, a suitable cling film thickness is believed to be either inherently disclosed or an obvious optimization to one

Art Unit: 1771

skilled in the art, motivated by the desire to reduce the material cost and to obtain a good wrapping (or conforming) property.